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Elizabeth Frayne
2027 Galvin Ln. #1
Diamond Bar CA 91765

In re Application of :	:
Elizabeth Gay Frayne	:
Serial No.: 10/679,305	: PETITION
Filed: October 7, 2003	:
	:

This is in reply to the petition filed December 11, 2008, presumably under 37 CFR § 1.181, to withdraw the new matter rejection in the action of December 1, 2008.

DISCUSSION

It is pointed out the action of December 1, 2008 is not under final rejection. Hence, the petition is premature (see 37 CFR § 1.181(c)).

In view of the above reason, the petition is **DISMISSED**.

However, the examiner will be instructed to consider applicant's arguments set forth in the petition when the next action is prepared.

Applicant may submit a renewed petition, if desired, after the action is made Final.

Any renewed petition must be submitted within TWO MONTHS of the mail date of this decision in order to be considered timely.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

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